REMARKS

This paper is responsive to the Final Office Action of December 31, 2009. Applicants respectfully traverse all rejections of the Examiner.

A Request for Continued Examination (RCE) is being filed herewith.

Reconsideration and further examination is respectfully requested.

Support for the present claim amendments is found throughout the Specification and Figures as originally filed. For example, support for the present claim amendments includes the text from line 18 on page 10 through line 3 on page 11 of the Specification as originally filed.

No new matter has been added.

Claims 1, 5, 8 and 12 stand rejected for obviousness under 35 U.S.C. 103 based on the combination of U.S. patent application publication 2004/0156356 ("Baeder") and U.S. patent application publication 2002/0041588 ("Gleneck"). Applicants respectfully traverse this rejection.

Baeder discloses a gateway that varies the length of voice data packets to be transmitted as a function of the spatial distance and/or time distance of the called party from the caller. Voice calls in the local area are assigned long packet lengths in Baeder to optimize bandwidth utilization and improve voice quality, and voice calls for long distances, where increased interference may occur on the long transmission link, are assigned short packet lengths, thereby increasing the throughput of voice data packets and thus improving voice quality.

Baeder teaches that a categorization according to the spatial distance of the called party from the caller is created based on the number of the called party (paragraph 0021). In paragraph 0036, Baeder teaches that a module in the gateway may be used for determining the time delay of

a transmission of a voice data packet from the caller to the called party to determine an associated packet length.

Gleneck discloses using the contents of a phone number (i.e. the area code portion of a dialed number) to determine how the number is to be processed. Specifically, Gleneck teaches in paragraphs 0050-0051 that a dialed number for a call is used to determine whether the call is sent by a source gateway to a remote gateway or to a local phone.

Nowhere in the combination of Baeder and Gleneck is there disclosed or suggested any method or system providing voice communications over a packet-based data communication network by:

> receiving a call request;
> ***determining whether the requested call would span a virtual private network gateway connecting a local network to an external network at least in part by comparing a current address of at least one phone to be used in the requested call with a local address associated with the phone, and determining that the requested call would span the virtual private network gateway connecting the local network to the external network in response to detecting a mismatch between the current address of the phone and the local address of the phone***; and
> in response to a determination that the requested call would not span the virtual private network gateway connecting the local network to the external network, increasing a size of packets used in the call. (emphasis added)

as for example in the present independent claim 1. The combination of Baeder and Gleneck results in a system that uses the dialed number for a call to determine a spatial distance between parties of the call in order to vary packet length for the call as in Baeder, and to determine whether a source gateway should forward the call to a remote gateway or a local phone, as in Gleneck. Nothing in the combination of Baeder and Gleneck discloses or suggests comparing a current address or a phone with a local address of the phone to determine if a requested call would span a virtual private network gateway. The combination of Baeder and Gleneck therefore fails to disclose or suggest *determining whether the requested call would span a virtual private*

network gateway connecting a local network to an external network at least in part by comparing a current address of at least one phone to be used in the requested call with a local address associated with the phone, and determining that the requested call would span the virtual private network gateway connecting the local network to the external network in response to detecting a mismatch between the current address of the phone and the local address of the phone, as in the present independent claims.

Applicants also maintain the position that a person skilled in the art would not be motivated to modify the combined references as proposed by the Examiner, since the purpose of the determinations based on dialed numbers cited in Gleneck is to control how a call is routed by a source gateway, and nothing in either Gleneck or Baeder teaches or suggests the use of call routing determinations to control packet size for a call.

For the above reasons, Applicants respectfully submit that the combination of Baeder and Gleneck does not support a *prima facie* case of obviousness with regard to the present independent claims 1 and 8 under 35 U.S.C. 103. As to claims 5 and 12, they depend from claims 1 and 8 and are respectfully believed to be patentable over the combination of Baeder and Gleneck for at least the same reasons.

The remaining dependent claims also stand rejected under 35 U.S.C. 103 based on Baeder and Gleneck, in further combinations with U.S. patent 7,283,541 ("Michelson"), U.S. patent application publication 2003/021904 ("Kotabe"), and U.S. patent application publication 2002/0095529 ("Syvanne"). As set forth in detail above, Baeder and Gleneck do not disclose or suggest all the features of the present independent claims 1 and 8. The addition of the teachings of Michelson, Kotabe and/or Syvanne fails to remedy the shortcomings of Baeder and Gleneck described above. Michelson teaches managing packet size on a per-call basis, using factors such

as distance between gateways, current backbone network status, service requested or access mechanism for a given call is disclosed. Kotabe discloses a packet communication device using a timer for always completing the transmission of a received packet within a delay assurance time length assurable by itself, and Syvanne discloses screening of packets at a gateway based rules.

Nothing in the cited combinations of Baeder and Gleneck with Michelson, Kotabe and/or Syvanne disclose or suggest a system or method that includes *determining whether the requested call would span a virtual private network gateway connecting a local network to an external network at least in part by comparing a current address of at least one phone to be used in the requested call with a local address associated with the phone, and determining that the requested call would span the virtual private network gateway connecting the local network to the external network in response to detecting a mismatch between the current address of the phone and the local address of the phone*, as in the present independent claims 1 and 8. The dependent claims 2-4, 7, 9-11, and 14-20 are respectfully believed to be patentable over the cited combinations for at least the same reasons.

For the above reasons, Applicants respectfully request that the rejections based on Baeder, Gleneck and Michelson, Kotabe and/or Syvanne be withdrawn. This application is now considered to be in condition for allowance and such action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

/David Dagg/
David Dagg, Reg. No. 37,809
Attorney/Agent for Applicant(s)
44 Chapin Road
Newton, MA 02459
(617) 630-1131

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